



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Wright Scaling Service

File: B-231092

Date: July 25, 1988

DIGEST

Speculation that evaluation committee was biased in favor of the awardee provides no basis upon which to question the award where there is no evidence that alleged friendship of agency official with awardee affected the evaluation of proposals, and the record provides a reasonable basis for agency conclusion that proposals were essentially equal with respect to technical merit and for subsequent agency determination to make award to the low-priced offeror.

DECISION

Wright Scaling Service protests the award of a contract to Timber Measurements Specialists, under request for proposals (RFP) No. R1-10-88-6, issued by the Forest Service, Department of Agriculture, for log scaling services at the Flathead National Forest in Montana. The protester disputes the evaluation of proposals and attributes the award to an unfair evaluation by a biased evaluation committee.

We deny the protest.

The solicitation requested proposals to provide log scaling (measurement of the volume of timber) for timber that has been harvested from national forest lands and will be transferred to private lumber mills; the resulting log measurements are used to determine the amount owed to the government for the timber. The solicitation provided for proposals to be evaluated, in descending order of importance, on the basis of (1) an offeror's knowledge, experience, specialized skills, and training in log scaling, as well as its proposed personnel and approach for accomplishing the specific work required; (2) supervision and quality control; (3) data processing plan; and (4) ability to maintain a professional relationship with Forest Service and lumber mill personnel. The RFP stated that award would be made to the offeror whose proposal was technically acceptable and most advantageous to the government.

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Three proposals were received in response to the RFP; all were included in the competitive range. After conducting written and oral discussions, the agency eliminated one offeror (that had refused to participate in oral discussions) from the competitive range. The contracting officer then requested best and final offers (BAFOs) from the two firms remaining in the competitive range, Wright and Timber Measurements.

The technical evaluation committee subsequently concluded that Timber Measurements' BAFO contained several significant strengths. For example, Timber Measurements employs a large number of scalers, some of whom, although not normally assigned to this contract, could be used to handle possible increases in workload. The firm proposed a contract manager with 33 years of experience in the timber industry and many years of experience as a scaler or in supervising and training scalers. While both offerors proposed to provide training for new scalers, the evaluation committee considered Timber Measurements' program of initial and follow-up training for scalers to be "outstanding;" Timber Measurements offered a formal certification program, including written and practical exams, annual 2-day training sessions, and monthly verification of the quality of the scaling.

Nevertheless, the committee found both offers to be essentially equal with respect to technical merit, noting that Wright, as the incumbent contractor, has specific knowledge of the particular requirements of the contemplated contract and had offered a detailed plan for data processing. In addition, while Timber Measurements offered more advanced equipment, the committee concluded that Wright had demonstrated knowledge of how to modify and improve its existing equipment. Since, however, Timber Measurements' BAFO price (\$66,621) was less than that (\$71,339.30) offered by Wright, and the committee considered the difference in price (\$4,718) to be significant, it recommended that award be made to Timber Measurements. When the contracting officer subsequently made award to that firm, Wright filed this protest.

Wright argues that Timber Measurements' proposal demonstrated an inferior knowledge of the scope of the contract and of how to perform the contract requirements. In this regard, Wright points to the agency's conclusion that Timber Measurements' data processing plan lacked detail and to the alleged failure of the awardee's proposal to list experienced scalers and the equipment to be used in performing the contract. Wright attributes the award not to any superiority on the part of Timber Measurements' proposal, but instead to an unfair evaluation by a biased committee.

The evaluation of technical proposals is primarily the responsibility of the contracting agency; the agency is responsible for defining its needs and the best method of accommodating them, and must bear the burden of any difficulties resulting from a defective evaluation. Accordingly, our Office will not make an independent determination of the merits of technical proposals; rather, we will examine the agency's evaluation to ensure that it was reasonable and consistent with stated evaluation criteria and applicable statutes and regulations. The protester bears the burden of showing that the evaluation was unreasonable; the protester's mere disagreement with the evaluation results does not meet this burden. See Aydin Vector Division of Aydin Corp., B-229569, Mar. 11, 1988, 88-1 CPD ¶ 253.

The record provides no basis upon which to question the Forest Service's conclusion that proposals were technically equal; that Wright's proposal was not technically superior. Some of Wright's allegations concerning the evaluation apparently result from the fact that the agency provided Wright with only part of the awardee's proposal. For example, our review of Timber Measurements' entire proposal indicates that the firm did in fact list the equipment to be used in performing the contract. Also, while Timber Measurements may not have listed specific scalers beyond those who were key personnel, the firm, which employs 25 scalers, did propose to use experienced scalers and provide the scalers with additional in-depth training.

At the same time, although Wright proposed two specific full-time scalers, one of the scalers subsequently advised the agency that he was no longer employed by Wright. As for Wright's more detailed plan for data processing, the agency in fact recognized Wright's superiority in this area. This strength, however, was considered under the third most important evaluation criterion and appears to have been offset by Timber Measurements' advantages under the two most important evaluation criteria (i.e., key personnel and organizational resources, and training and quality assurance).

The protester's speculation that the contract award resulted from personal friendship between the agency's regional check scaler and Timber Measurements' contract manager is unsupported in the record. The agency reports that neither the contracting officer nor any member of the evaluation team claims a personal friendship with Timber Measurements' contract manager. Whether or not the awardee had a friendship with the regional check scaler (this is unclear), the record shows that the scaler only participated in drafting the questions to be asked the offerors and did not participate in the ranking of proposals. In any case, we already

have found that the evaluation was reasonable based on the relative merits of the proposals. Accordingly, we find no merit to the allegation of bias. See Imagineering Systems Corp., B-228434.2, Feb. 4, 1988, 88-1 CPD ¶ 109 (bias will not be attributed to procurement officials based on inference or supposition).

The protest is denied.

for *Seymour Spas*
James F. Hinchman
General Counsel